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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,762	10/31/2003	Bimal Mehta	MSFT-2748/302029.1	2802
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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			EXAMINER	
CIRA CENTRE, 12TH FLOOR			ANYA, CHARLES E	
2929 ARCH STREET				
PHILADELPHIA, PA 19104-2891			ART UNIT	PAPER NUMBER
			2194	
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			07/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,762

Applicant(s)

MEHTA ET AL.

Examiner

Charles E. Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/03.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-34 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 12/09/04.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application
 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-34 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 21-34 are not directed to statutory subject matter.**

Claims 21-34 according to Applicant's disclosure, page 6 paragraph 0023, the computer-readable medium as claimed is not limited storage computer medium, instead it is defined to include both computer storage medium (e.g. floppy disk, a hard disk drive, a RAM, CD-ROM, DVD, ROM) and communication media (e.g. carrier wave), as such the claims are not limited to statutory subject matter.

To overcome this type of 101 rejection the claims need to be amended to include **only** the physical computer media/computer storage media and **not** communication media or other non-functional media.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,4-7,12-16,21,26-31 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 2003/0093500 A1 to Khodabakchian et al.

5. As to claim 1, Khodabakchian teaches an asynchronous messaging architecture for processing messages, comprising: means for detecting when an instance of an automated business process is waiting for a response to a message, wherein a response indicates a success or failure of the message (figure 5 page 4 paragraph 0041); means for storing the instance so as to suspend processing of the instance Block 510 page 4 paragraph 0041, "...passivates the states of the process..." page 4 paragraph 0041); means for detecting when the response associated with the instance has been received (Block 508 page 4 paragraph 0041)and for resuming processing of the instance (Block 514 page 4 paragraph 0041); and means for processing the response using response processing code within the instance according to the success or failure of the message (Block 516 page 4 paragraph 0041).

6. As to claim 4, Khodabakchian teaches the architecture of claim 1, wherein the instance is stored in a database ("...passivates the states of the process..." page 4 paragraph 0041, page 6 paragraph 0068).

7. As to claim 5, Khodabakchian teaches the architecture of claim 1, wherein the response is received on a port defined by the instance (figure 5 page 4 paragraph 0041).

8. As to claim 6, Khodabakchian teaches the architecture of claim 1, wherein the response is a response indicative of whether or not the message was received by an intended recipient (figure 5 page 4 paragraph 0041).

9. As to claim 7, Khodabakchian teaches a method for processing a message in an asynchronous architecture, comprising: determining that a response to a message sent by an instance of software code is to be received, wherein the response indicates a success or failure of the message (Block 508 page 4 paragraph 0041); determining whether the response has been received and, if the response has not been received, storing the instance of the software code in memory, thereby suspending the instance (Block 508 page 4 paragraph 0041, Block 510 page 4 paragraph 0041, "...passivates the states of the process..." page 4 paragraph 0041); receiving the response (Block 512 page 4 paragraph 0041) and resuming the instance (Block 514 page 4 paragraph 0041); and processing the response (Block 516 page 4 paragraph 0041).

10. As to claim 12, Khodabakchian teaches the method of claim 7, wherein storing the instance comprises storing the instance in a database and removing the instance from active memory ("...passivates the states of the process...using the stored data

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associated with the process..." page 3 paragraph 0035, page 4 paragraph 0041, page 6 paragraph 0068).

11. As to claim 13, Khodabakchian teaches the method of claim 12, wherein resuming the instance comprises removing the instance from the database and restoring the instance to active memory ("...passivates the states of the process...using the stored data associated with the process..." page 4 paragraph 0041, page 6 paragraph 0068).

12. As to claims 14 and 34, see the rejection of claim 5 above.

13. As to claim 15, Khodabachian teaches the method of claim 7, wherein the asynchronous architecture is implemented by way of distributed business process automation software (Web Services 104 page 2 paragraph 0020).

14. As to claim 16, Khodabachian teaches the method of claim 7, wherein the message is to be received by a remote computer (page 3 paragraph 0034).

15. As to claims 21 and 31, see the rejection of claims 1 and 7 above.

16. As to claims 26-30, see the rejection of claims 12-16 respectively.

17. As to claim 34, see the rejection of claim 14 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 18. Claims 2,8,9,10,17-20,22-24,32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 2003/0093500 A1 to Khodabakchian et al. in view of U.S. Pub. No. 2003/0105858 A1 to Hogg et al.**

19. As to claim 2, Khodabakchian is silent with reference to the architecture of claim 1, wherein the response processing code is a try-catch block.

Hogg teaches the architecture of claim 1, wherein the response processing code is a try-catch block (RPC System 26/Software Client Component 22 page 12 paragraphs 0137-0148).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Khodabakchian with the teaching of Hogg because the teaching of Hogg would improve the system of Khodabakchian by using a try-catch block techniques to distinguish between errors of different types (page 12 paragraph 0148).

20. As to claims 8,22 and 32, see the rejection of claim 2 above.

21. As to claim 9, Hogg teaches the method of claim 8, wherein processing the response comprises determining whether the response indicates a failure and, if so, processing the response using the catch block ("...try-catch block...deal with the errors..." page 12 paragraph 0148).

22. As to claim 10, Khodabakchian teaches the method of claim 9, further comprising, if the response indicates a success, processing the response by way of the instance of the software code (Block 516 page 4 paragraph 0041).

23. As to claim 17, see the rejection of claims 1 and 2 above.

24. As to claims 18 and 23, see the rejection of claim 9 above.

25. As to claim 19, Khodabakchian teaches the method of claim 18, further comprising, if the response is indicative of a success, processing the response within the instance of the automation software and logically after the catch block (Block 516 page 4 paragraph 0041).

26. As to claim 20, see the rejection of claim 14 above.

27. As to claims 24 and 33, see the rejection of claim 19 above.

28. Claims 3,11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 2003/0093500 A1 to Khodabakchian et al. in view of U.S. Pub. No. 2002/0111996 A1 to Jones et al.

29. As to claim 3, Khodabakchian is silent with reference to the architecture of claim 1, wherein storing the instance takes place after a predetermined time.

Jones teaches the architecture of claim 1, wherein storing the instance takes place after a predetermined time (page 2 paragraph 0020).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Khodabakchian with the teaching of Hogg because the teaching of Hogg would improve the system of Khodabakchian by providing a techniques for preserving system consistency in case of failure

30. As to claims 11 and 25, see the rejection of claim 3 above.

Conclusion

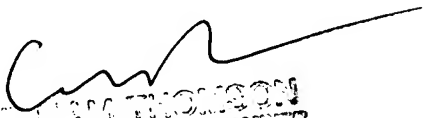
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.



WILLIAM THOMSON
Supervisor
Art Unit 2194